MOTOR TRANSPORT BOARD

ANNUAL REPORT
1989 - 90

Yukon
Community and Transportation Services

92-02826/

MOTOR TRANSPORT BOARD

ANNUAL REPORT

For the Year Ending

March 31, 1990

Motor Transport Act

Section 11

1. THE BOARD

a) Statutory Authority

The Motor Transport Board is appointed under authority of Section 3 of the Motor Transport Act.

b) Membership

Chairman	J. H. Yamada
Vice Chairman	Arthur Christensen
Member	Jean Murphy
Member	Byrun Shandler
Member	Dan Finch

c) Legal Counsel & Staff

Barrister & Solicitor	Paul O'Brian
Secretary	Lynn M. Alcock Kim Bicudo
Assistants to the Secretary	Marilee McDonald and Munirih Rawhani

d) Office Location

Lynn Building, 308 Steele Street
Department of Community and
Transportation Services
Whitehorse, Yukon

e) Mailing Address & Telephone

P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6

Telephone (403) 667-5782

f) Reporting

The Board reports to the Minister of Community and Transportation Services

2. THE BOARD'S MANDATE

The Board's primary mandate is to maintain a regulatory delivery system that is responsive to the interests of motor transport carriers and the general public. This is accomplished through the processing of Temporary, Amendment, Renewal and Initial Applications for Operating Authority as legislated under the federal Motor Vehicle Transport Act (MVTA) and the territorial Motor Transport Act (MTA).

The overall objective of the Board is to ensure that an adequate highway transportation system is maintained to provide reliable and efficient service to Yukon consumers, to allow the development of a sound economic and social framework in Yukon and to protect the public interest.

3. THE REGULATORY PROCESS

The federal authority to regulate the activities of extra-provincial truck and bus undertakings is delegated to the provinces through the MVTA with specific rules on how the provinces can use the authority. With the implementation of the territorial MTA in 1988, both Acts pose the "fitness" entry test and a "reverse onus" public interest test.

The "fitness" entry test was met through certain submissions, required upon application for authority, and the Safety Rating issued by the Manager of Transport Services. If the applicant met the prescribed fitness criteria the Board would advertise a public notice with the intent to issue an authority. Provided no objection was received within a specified time period the application would be approved as applied for.

When an objection to an application was received, and deemed relevant by the Board, the "reverse onus" public interest test would apply. The onus would be on the objector to satisfy the Board that the granting of a licence to the applicant would be detrimental to the public interest.

A Renewal Process was implemented under the new legislation for the purpose of ensuring that existing authority holders comply with the fitness criteria and insurance filings required under the MVTA and the MTA. Approximately 450 carriers were grandfathered for a period of two years under the new legislation, and issued Certificates with staggered expiry dates. The initial expiry date of those Certificates was January 1990 and averages 20 renewal applications per month.

4. BOARD ACTIVITY: APRIL 1, 1989 - MARCH 31, 1990

a) Budget

The Board's expenditures were as follows:

	1989/90	1988/89
Travel	$ 4,888.99	$ 1,418.20
Honoraria	9,475.00	12,796.30
Legal Consultation	6,335.16	6,269.00
Public Hearing Expenses	6,815.71	4,414.00
Advertising	3,284.14	4,399.42
Communications, Supplies & Miscellaneous Expenses	3,313.53	3,128.46
TOTAL	**$34,112.53**	**$32,425.38**

As a result of a Court Order requiring the Board to provide "Written Reasons for Decision", approval was given to Jean Murphy (Board Member) and the Board Secretary to attend a two (2) day "Decision Writing" Seminar in Edmonton, Alberta. These travel expenses are reflected in the increased expenditure for 1989-90.

The increased costs for Public Hearings reflect the taping and typing services for the transcripts and legal representation for one Public Hearing and for the one Re-Hearing. Additionaly costs were awarded for the Adanac Appeal as the Court ruled the Board in error for not providing written reasons for decision.

The Board's Secretary and other staff were supplied by the Department of Community and Transportation Services.

b) Public Hearings

The Board conducted one Public Hearing on April 5, 1989 which resulted in the granting of the application. The Board Decision was appealed, and by Order of the Court, was Re-heard on February 7, 1990.

c) Business Meetings

The Board conducted 12 business meetings involving 13 days to conduct the final review of applications for operating authority, to discuss and develop policy and procedures, to conduct and complete the Commodity Code Review and consider miscellaneous items. Considerable time was spent consulting with legal counsel, weigh stations, other jurisdictions and Departmental officials with respect to the administration of the new legislation (regulatory reform and reverse onus).

d) Certificates and Temporary Certificates

The completion of the Commodity Code Review resulted in 27 Certificates being cancelled, leaving 355 Certificates in force at year end. 48 Carriers moved through the renewal process from Jan./90 to Mar./90 with a total of 25 successful renewals. A comprehensive list of certificate holders and the authority conferred by their certificates is updated regularly and available through the Board Secretary.

A total of 250 Temporary Certificates of Operating were issued through the weigh stations and 22 issued through the Board office.

e) Review of Certificates

The Board continues to review certificates on an individual basis in accordance with section 43 of the MTA.

f) Policy Development

The Board initiated a complete review of its' policies and procedures following the implementation of the MTA with the view to produce a policy and procedural manual. The completion of this review has been hindered by various issues such as, legislation and Board practice in other jurisdictions, interpretation of legislation, requirements for legislation change and the lack of support staff. Development continues on an ongoing basis.

5. GENERAL

The members wish to thank those employees in the Department of Community and Transportation Services who provided support during the year.

Respectfully submitted,

Art Christensen
Chairman
Motor Transport Board

Date: September 13, 1990